

ICANN Transcription
Standing Committee on Improvements Implementation Subteam A
Tuesday 26 January 2016 at 1400 UTC

Note: The following is the output of transcribing from an audio recording Standing Committee on Improvements Implementation Subteam A call on the Tuesday 26 January 2016 at 14:00 UTC. Although the transcription is largely accurate, in some cases it is incomplete or inaccurate due to inaudible passages or transcription errors. It is posted as an aid to understanding the proceedings at the meeting, but should not be treated as an authoritative record.

The audio is also available at:

<http://audio.icann.org/gnso/gnso-sci-subteam-a-26jan16-en.mp3>

Attendees:

Angie Graves – BC – Primary
Lawrence OlaWale-Roberts – BC - Alternate
Rudi Vansnick – NPOC – Primary – Vice Chair
Sara Bockey – RrSG - Primary
Wolf-Ulrich Knoblen – ISPCP – Primary

Apologies:

Julie Hedlund

ICANN Staff:

Mary Wong
Michelle DeSmyter

Coordinator: Recordings are started.

Michelle DeSmyter: Great. Thank you. Good morning, good afternoon and good evening. Welcome to the SCI Subteam A call on the 26 of January at 1400 UTC. On the call today we have Angie Graves, Rudi Vansnick, Sara Bockey, Wolf-Ulrich Knoblen. We have apologies from Julie Hedlund. And from ICANN staff we have Mary Wong and myself, Michelle DeSmyter. I would like to remind

you all to please state your name before speaking for transcription purposes.
Thank you and over to you, Mary.

Mary Wong: Thanks, Michelle. I'm actually going to hand over to Rudi. Rudi, I'm assuming that you are happy to continue leading these calls, I think you did that last week. Julie and I did have a discussion before the call today and of course, Rudi, thanks, Wolf-Ulrich for the comment that you made.

I think one of the questions is since Wolf-Ulrich is driving and he won't have the document in front of him, Rudi, Sara, Angie, I don't know if you think it would be helpful. We have the document on the screen here. Whether it would be helpful for us to go through the comments and to maybe read those out and then, Wolf-Ulrich, if you wanted to explain or further discuss some of the questions and comments that you inserted we can do that in chronological order.

Rudi Vansnick: Thank you very much, Mary. Rudi for the transcript. Yeah, I like the proposal that you could go through the document and we can take up the comments that we have in the document until now and exchange the ideas among our members of the team and see if we can agree on what we have in front of us. I think that Wolf-Ulrich knows quite well what he has written.

So may I hand over to you, Mary, and lead us through the proposed document?

Mary Wong: Sure, thanks Rudi. And, Wolf-Ulrich, since you are not on Adobe Connect, just feel free to interrupt at any point in time. And obviously we will then carry on the discussion per your comments. If we go through the document I think the first thing to note, as we all know, is that the current text description is what was sent to the Council. And we received no comments or objection from the Council so we would take it that what is in the text here does accurately describe how the Council goes about its business in relation to motions.

What you also have seen in this document that Julie sent around yesterday is the flow chart that she created based on these steps as described and also following the first subteam call from last week. So if anyone has any comments or proposed changes to the flow chart please let us know and we'll make those accordingly as well.

But for purposes of this call, as we just noted, it would probably be easier to go through the text. And I think the first comment here came from Wolf-Ulrich. And this is about the first step which is that obviously a motion starts by having a proposer who is a current GNSO Council member. And how that's done is that that person sends a motion via email to the Council mailing list.

That person may request that the motion be seconded but the person need not make that request. The only requirement as of now, if you look at the composite steps here, is that as long as there is a second and who that second will be is something that we can talk about later, but as long as there is a second before the motion is called for a vote, then the Council proceeds.

So, Wolf-Ulrich, your comment here is whether or not the motion needs a second anyway. And you've made a reference to the Wikipedia entry here. And I know you had some further comments on it. So, Wolf-Ulrich, if you can hear me I don't know if you want to further elaborate on your comment. And if you had a view one way or the other as to whether or not we want that request or whether we want to say that there doesn't need to be a second.

Wolf-Ulrich Knoben: Yes, thank you Mary. Wolf-Ulrich speaking. Can you hear me?

Mary Wong: Yes, very well.

Wolf-Ulrich Knoben: Okay good. Well it's just very simple, you know, my question about that - what I wanted to know is that, first, what is really the rationale for a motion at all. It came to my mind because so my - my whole ICANN life I have heard

motions being - having been entered by the board and others from the beginning and there has been seconding and nobody was asking why we need a second at all. So I started, well, to (start) a little bit. And then I found that Wikipedia entry coming from the parliamentary so the parliamentary rules.

And that gives me an indication if that is the common understanding of how it is defined on - and described on Wikipedia then it gives me the impression that we did it in the past we tried a different way. So we entered a motion - or the left - the (unintelligible) open to enter motions until the very last moment of - before the motion has been voted on. And that's one difference to what I found on the Wikipedia.

Because on the definition it is only meant, what I understood, that a second is used - is just for that purpose to avoid - to avoid wasting time by entering motions before they are discussed at all. So that was one step. So the understanding of the rationale of that.

The other as well the to her was then I didn't - due to the - how it is described in the rules, but maybe the text you entered here saying that a second may be required is comes from the rules at some point and the other one is may seems to think about well it is not a must for a second at all.

These were my two comments and questions at the beginning. So I hope there was understanding. Thank you.

Mary Wong: Thanks, Wolf-Ulrich. And as you noted, the language that staff put in here is "may" and I think the idea we had was to make it exploit that the proposer does not have to ask for a second. Rudi, you have your hand up.

Rudi Vansnick: Yes, thank you Mary. And thank you, Wolf-Ulrich, for your comments. Well, first what I wanted to comment on is the fact that in the procedures we have the 10 days that are requested before the Council meeting for entering a

motion. So that's, I think, already something that may be in the flow chart we need to keep track on for later discussion. But there is a 10-day delay before the meeting takes place.

And as is mentioned further on, there is a need for voting of a seconder at the meeting itself, the latest, if I'm correct - the motion needs to have a seconder before it can go to vote otherwise it's rejected. Is that the correct understanding?

Mary Wong: Rudi, yes, this is Mary. And the answer is yes in that that has been the practice of the Council. Again, a lot of this is not written down anywhere in the operating procedures. Quite a lot of the operating procedures as well as this unwritten practice that we're talking about now, is similar to some of the more established procedures out there particularly Robert's Rules of Order with some notable differences.

So, you know, the SCI can say, and of course the SCI would be looking to this subteam for advice, the SCI can say that it either needs a second or it doesn't, a motion that is. It could say the SCI needs a second by a particular time, which I think is one of Wolf-Ulrich's later comments. It can also say, you know, the current practice is satisfactory but it needs to be codified and a rationale provided for why a motion needs to be seconded.

So I guess my point is that Rudi, you're absolutely right but that the broader context is that the SCI can provide either for what it thinks is a better clearer way or even if it thinks that this particular way is the way to go but maybe some further clarification might be necessary.

Rudi Vansnick: Thank you, Mary. Rudi for the transcript. And, yes, Wolf-Ulrich you want to come through?

Wolf-Ulrich Knoben: Yes, thank you, Rudi. Wolf-Ulrich speaking. Well my question here in this context was is it an obligation to provide then a seconder at all or is it just up

to the person who enters the motion to request for a seconder or not. Thank you.

Rudi Vansnick: Thank you, Wolf-Ulrich. Yes, Mary, you want to respond to that?

Mary Wong: I do. And it occurs to me the more that, you know, we go through this text the more that we sometimes can raise questions because the idea here obviously, like I said, is that the motion can be made without a second; the motion can be made even without a request for a second. The only requirement is that at some point before the vote there is a second. So I think the question for this subteam is what Wolf-Ulrich has indicated as well.

But if, for example, the subteam feels that we don't even need this language that we could just have language somewhere that talks about the role of the second and when that must be and who that might be that that may be less confusing. I guess what I'm saying is that maybe the way we actually phrased it in Step 1 could potentially be confusing.

Wolf-Ulrich Knoben: Rudi, if I may, Wolf-Ulrich. Because the line is - I think I'm just in area (unintelligible) full coverage going down, I will come back later on again.

((Crosstalk))

Rudi Vansnick: Okay no problem Wolf-Ulrich. And Rudi for the transcript. Yes, Mary. And I was just wondering to me it seems that the discussion about the seconding is actually a condition for the motion to be voted on except that it is not written on paper in the procedures today so it's a habit that occur. And the habit became the procedure itself. So it's up to us to define if we want to get the condition of a seconding a motion as being a condition for voting the motion. Is that a good approach?

I see Mary is typing. Should we consider an express requirement (unintelligible) condition of a motion (unintelligible) can be voted. Yes, well,

indeed and I would like to call on the colleagues to see if we think that this is a real condition that should be written in the procedure itself because then if there is no seconding the motion would never be accepted by the GNSO Council for voting. And I'm just wondering if the case happened in the past that a motion went to the Council didn't get a seconding and still got voted. Is that something that happened in the past? Probably a question we cannot answer today but I see Mary you have your hand up. Yes, Mary.

Mary Wong: Yes, thanks Rudi. And I don't actually have a 100% answer for that. We probably need to go back and do some digging. I'm not even sure that we would record that. I would probably call on Wolf-Ulrich to help me remember. But what I recall is that we have had motions that did not have seconds up to the very last minute. And the chair, whoever he or she might have been at the time, basically says well, okay, we've discussed, you know, the topic and we need to vote on the motion but the motion hasn't been seconded.

And at that point usually somebody steps forward and says okay, I'll second it. That's been my recollection. I don't recall that we've actually had a situation where a motion failed for lack of a second. I don't know if Wolf-Ulrich has a different recollection or if his recollection is similar to mine. But, you know, Rudi, I think the point that you bring us is definitely, you know, the consequence if there is a rule that there must be a proposer and a seconder then obviously the consequence if there's no seconder is that, as you stated, the motion would just fall; it wouldn't even be voted on.

One of the preliminary research materials that Julie and I were looking at in preparation for this noted that one (unintelligible) why a motion would preferably need a second is to make sure that essentially people are not proposing motions that are only of their own particular interests or agenda. I suppose secondarily then that, you know, relates to a question of whether that relates to broader interest of the community, whether it's a good use of the Council's time, etcetera, etcetera.

But that was a very clear reason that we came across in some of the research we did that as to why a motion might need a second as well as a proposer.

Rudi Vansnick: Thank you, Mary. Rudi for the transcript. Well even in that case when we think through I would say that if it's - the motion is brought up by only one councilor and there is no seconder automatically I would think that if the motion doesn't get support from others it doesn't get the votes to pass through. So at the end that doesn't seem to me the critical issue. I think that the critical issue is is there definitely a need for a seconder, yes or no? And if it's yes well it's clear that's how we should write the procedure and adopt that one.

If it's no in that case it's up to the Council itself to decide if they want to vote it. And I think that even the question of having a seconder on the call - on the meeting itself is that a definite request? Can the motion be voted before without having a seconder? That's to me the critical point where we can kick off this question I think. I would like to hear from others what they are thinking about the point that if there is a need for a seconder it should be written clear. And if there is no seconder the procedure would just say that the motion is not considered by the Council.

And there could be a second time where the same motion could be brought up and that's, again, on the discussion we have in front of us too, where the initial process started having this bigger discussion I think. So I see Angie is typing. Should be documented with a seconder, yeah, because that's to me the critical issue. The fact that gives the green or the red flag for the motion and I think it helps also in the process where the same - if the same motion is brought up a second time that, again, the same rule applies to avoid that - there is a glitch in the process itself.

So I see that Angie agrees with me. But I don't know what, Sara is thinking about. And eventually - I don't know if Wolf-Ulrich is still on the call. Are you still on?

Michelle DeSmyter: He did disconnect.

Rudi Vansnick: Oh okay - okay then we'll see him coming back in a few minutes. Well eventually what we can do is we keep this in the sideline and move on with the next sentence in the document which is the motion submitted by the motion deadline for the next Council meeting. The motion is placed on the Council's meeting agenda and published on the motion's page of the Council Wiki space identifying the proposer and seconder if available.

Meanwhile I see that Sara has been putting some comments in the chat. There may be instances where a motion needs to be discussed prior to getting a second. So should we state something to the effect that anything can be discussed but no vote until a second? That's a good approach also.

Mary, are you willing to comment on this one? I just saw your mic coming up.

Mary Wong: Yes, thanks Rudi and thanks, Sara. I'm just trying to document in the notes part what Sara has just suggested. And, you know, I guess the observation from staff is that what Sara has just suggested would also essentially be what the Council is currently doing. So it would have I guess the benefit of not actually altering the Council's practice on the assumption that the SCI does agree that every motion must be seconded.

And so in the notes part I've got something that says okay, you know, if every motion must be seconded then we should state so in the Operating Procedures. And I'm just about to put Sara's additional note in there as well. And we can send all this around so that Wolf-Ulrich in particular can take a look at this before we confirm that this is the opinion of the subteam.

Rudi Vansnick: Thank you, Mary. And I'm welcome Lawrence who just joined us on the call. Good to have you here too. And I agree with Mary that it's good that when Wolf-Ulrich is able to join us on the call here again that he can see what we have been discussing and he can comment on it.

Related to, again, the fact that we want to use the best of the time of the Council meetings it is indeed good to have a kind of criteria because disunions on motions could take so much time that at the end the (unintelligible) would not be able to handle its agenda and then that becomes critical. So sorry that I'm putting the worst case scenarios on the table but if we allow discussions perhaps we should give some guidance in that the discussion cannot disrupt the GNSO Council meeting in such a way that the agenda could not be handled. I don't know, this case ever happened but you never know. I'm preferring taking some consideration of such situations.

So if the motion - the second item - second - yeah, the second item on the current (unintelligible), as I said, the motion would be put on the agenda. I don't see any comment on that one. On Number 3 we have a different GNSO Council member seconds the submitted motion either in response to the proposer's request or to a call for a seconder by the GNSO Chair or Secretariat.

And there we have a comment that is coming from Mary Wong. "Subteam A recommendation, this should also be a councilor from a different stakeholder group, constituency." Oh yes, yes Mary I see you have your hand up. You will probably want explain this one.

Mary Wong: Right. And actually this is a follow up from the subteam discussion last week. And I was hoping that we would have Wolf-Ulrich back because the note that I have in the - on the slide reflects what we - Julie and I thought was more or less the consensus from this group last week which is that it shouldn't just be a different Council member, it should be a Council member from a different stakeholder group or constituency.

And Wolf-Ulrich's comment, Rudi, as you noted, is that, you know, having had some time to think about this our meeting as week, Wolf-Ulrich isn't so sure that this is necessary. So we may need him to explain his concern here or his suggestion here to see if this subteam wants to revisit its preliminary conclusion from last week.

Rudi Vansnick: Thank you, Mary. Rudi for the transcript. Well, myself I have the question about when we say it's from a different stakeholder group slash constituency, if I'm not wrong, we don't have councilors coming from a constituency; they're from a stakeholder group. So I think - I can be wrong, sorry. Mary, I see you want to comment?

Mary Wong: Thanks, Rudi. I do. And I think it's more a clarification. I think this would particularly relate to the Commercial Stakeholder Group so I'm glad that Angie and Lawrence, and when we get Wolf-Ulrich back that we have three of them on this subteam.

Because even though it is the Commercial Stakeholder Group with six Council members, those Council members, two each, are voted by the constituency. So, Rudi, I think that you do raise an interesting point, but that for the CSG the councilors are voted through the constituency and that's why we have the SG/C comment.

And I actually see that Wolf-Ulrich has joined us at a very opportune moment so, Rudi, I guess I'll hand it back to you and we can maybe ask Wolf-Ulrich to comment on his comment W3.

Rudi Vansnick: Thank you, Mary. And, yes, welcome back Wolf-Ulrich. Are you on the call by phone or by...

Wolf-Ulrich Knoben: By both, phone and Adobe.

Rudi Vansnick: Okay perfect. Perfect. You can see in the notes chat window - notes window, sorry, we - Mary has been noting the discussions we had up until the moment you are joining us now. And in fact we are actually on the comment, Number 3 where I was just bringing up the discussion about stakeholder group and - slash constituency as from our community we don't have councilors that have been selected or elected by the constituency, it's done by the stakeholder group. So it is already there we have already a difference in approach at that point.

But you have your comment on Number 3, do you want to explain us your views?

Wolf-Ulrich Knoben: Yes, Rudi. Thank you. Wolf-Ulrich speaking. My comment here relates on the one hand to the definition given by what I found in the Wikipedia. And it's related to the question whether the seconder should come from a different constituency or stakeholder group from the - than the one who provided the motion.

So that is one thing. So I understood here - so this SG/constituency is meant because on the one hand we have on the Council we have constituencies; on the other hand we have stakeholder groups like in the contracted parties house we have only two stakeholder groups representing their constituencies, you know, but there is just one constituency behind each stakeholder group in the contracted parties house. The non-contracted is different.

So then my question came up so in the - from the definition if you think, you know, the rationale for a motion is to avoid wasting time in discussing motions at all, then you would say yes. This is - if that is the meaning then there is, for me, the question doesn't have to do anything with the voting to be done at the end of this discussion - discussing a motion. It's just the question well is it worth, well, to consider that motion or to start discussing it.

And this, to my understanding, has nothing to do with the question whether somebody comes from this constituency or the other constituency, it's just about the question is he a member of the Council or not. And that could be done by any member of the Council. That is my first understanding of that.

So I wouldn't then suppose that a seconder must come from a different constituency than - or a stakeholder group than the one who presented that motion. So that is my perception. That is behind my comment Number 3 here. Thank you.

Rudi Vansnick: Thank you very much, Wolf-Ulrich. Rudi for the transcript. While you were still driving home and before you came online I was just wondering the fact that a motion can be discussed before getting voted or before getting a seconder, whoever the seconder would be, could disrupt, in fact, the GNSO Council operation in such a way that the discussion could take so much time that the real agenda of the Council could be critical and could not be taken care of, which means that the work that the Council has to accomplish could be influenced by such a discussion.

And that's the reason why I'm just wondering if there is a real need - I think that there is a need for a seconder first of all in order to be sure that there is enough support for the motion. And then you start having the discussions on the motion rather than first having the discussion and then looking for a seconder. But that's, again, a way of taking the starting process, what's the most critical one.

And as actually all - as I think most of the cases there was always a seconder before voting on the motion. This seems to be a rule and that is applied on any case. In that case we need a seconder and then I would prefer having a seconder before the discussions takes place in order to be sure that there is enough support for it. But I can, again, I can be wrong in the interpretation of this fact. And I'm counting on Wolf-Ulrich's experience in the Council to see if we put forward that there is a full need for a seconder before any discussion

can take place and before any voting can take place on the motion. That's a quite important impact on the way the Council is operating today.

So I see, Mary, you have your hand up. I'm passing the mic to you.

Mary Wong: Thank you, Rudi. And of course I would defer to Wolf-Ulrich as well. I will just speak from a staff perspective and I think I alluded to this when we first discussed it last week. In requiring a second before any discussion, which is what I understand you're, you know, describing, Rudi, the staff perspective is that there might be some practical issues with this.

First of all, obviously, it would change the current practice so in - if we were to go down that path I think we would need to be quite specific as to the reason why we are recommending this. Secondly, because a lot of times the motions are sent in via Council member fairly late or close to the deadline, it may be difficult to get someone to second it before that time. I recognize you're not saying that it must be seconded before the 10-day deadline.

But it does beg the question that if something is sent in but it can't be discussed before there's a seconder then the practical effect is that, you know, one should probably get a seconder before sending in the motion. And that can lead to some scrambling if I may use that word because we've seen it before that particularly for some complex work there may be quite a lot of work involved in drafting the motion such that the proposer is comfortable with the motion only very close to the deadline.

So I'm not saying that this should not be the rule, I just thought it might be helpful to highlight from a staff perspective why there might be some practical issues. And I see that Wolf-Ulrich has his hand up so I'll defer to him then.

Wolf-Ulrich Knoben: Yes...

Rudi Vansnick: Thank you, Mary. Yes, Wolf-Ulrich up to you now.

Wolf-Ulrich Knoben: Yeah, thank you. Thank you. Wolf-Ulrich speaking. Yes, thanks. I would say, well, if we split it up, you know, what are the options here. From the - my experience, so I can remember, and Mary, well, well I shared the most time on Council with you and after as well when you joined ICANN well, you were also on Council more or less on staff.

So there were some motions I think so where at the very last and so somebody was asking for a seconder. It was still indicated already in the motion or it was written in second but there was no name and the chair was asking, well who's going to second. And there is no problem, well, we have found in every case we have found a seconder.

It would have been a real waste of time in case if there was not a seconder. So then time was discussed, you know, hours and hours and prepared and text around. And then at the very last and there wasn't a seconder. So just to overcome this option or this possibility that at the end there wouldn't be a - somebody who seconds, that is how I understand. But the question asking for a seconder should be - should be put earlier.

So and you could put it earlier before the discussion and discussion could mean so split it up just we have discussions on the list on the mailing list about issues about motions who have been put in and we have the very last discussion at the meeting itself where the motion is at the table. So we could discuss that I think. So at which time so we should think about when the motion should be ready.

So my personal thinking right now at the time being, having discussed it and having seen the options, would be it should be ready at the beginning of the meeting discussion, the seconder should be available. So I would then see that that way when the motion is on the agenda and the agenda item is going to be discussed that the chair asking the one, well, who provides the motion,

well to enter the motion but immediately should ask for a seconder before we start at this moment at the meeting to discuss it. So that would be helpful.

It would overcome - it would, let me say, provide opportunity to discuss the motion if it's just introduced at the very far end of the deadline in between until - before the meeting. And it would also help, well, to avoid wasting time at the meeting as well if there are problems with the motion. So that's my point. Thank you.

Rudi Vansnick: Thank you, Wolf-Ulrich. Rudi for the transcript. Well I'm quite happy that you have the same perception and that you have - that you're proposing the same directives. A question that raises to me going this way is we have a seconder for the - and then we start the discussion. Is it possible that the seconder steps down as a seconder after or while the discussion is going on because the person feels oh, I cannot second this motion because of the discussion that goes on and clarifies my mind. Is that a possibility?

And is that something that we need to put into the procedures themselves in order to avoid that we again have a procedure that doesn't fit in the scope of the whole mission. I'm just afraid that that is a case that could eventually happen but I'm not sure if when somebody has been seconding the motion the person can still, after discussion, step down as the seconder. Is this a case that could happen? I'm just wondering if, Wolf-Ulrich, if you have knowledge of such a situation?

Wolf-Ulrich Knoblen: Well, thank you Rudi. Wolf-Ulrich speaking. Well I don't think that this is the case because, you know, handling of motions are different - there are different steps. So the seconding is just about the question to further discuss the motion. So and then we start discussing that motion. So and then the seconder doesn't have - and shouldn't have the right, well, to step back. Well, that should be the one who introduced the motion and that is the case at the time being so we have these two steps.

So if the one who introduced the motion is going that way and saying, well, I'm refraining, I'm just step back from this motion, then it's over and then it's not up to the seconder. In case there are amendments to the motion, well, that's a different case which means, well, they are based on certain discussions.

So then it is going the other way so which is in the flow chart here questioning, well, the one who introduced the motion of a kind of friendly amendment and all these things, you know. But from my point of view that is not the case and we should not go that part. And there is a possibility that the one who steps back the seconder, if he steps back, he is not stepping back from the seconding that motion, he cannot do that, I would say. He can participate in the discussion and then modify that motion, that's possible. But stepping back from discussing this motion at all is not an option. Thank you.

Rudi Vansnick: Okay, thank you very much Wolf-Ulrich. Rudi for the transcript. Well I think in that case as we have now the comments in the notes window, the critical question is when must the seconding occur. That's something we need to get clear about because the Points 4, 5 and 6 in the steps defined in the document on the screen are quite clear that's the logical process that follows that - the answer of that question and the motion is discussed at the Council meeting, that will be debated on and if the GNSO Council member, other than the proposer, seconds the motion the GNSO Council chair calls for a vote.

That's where we have eventually the swap between 4 and 5; 5 becoming 4 and 4 becoming 5, that's eventually what could be the result of our proposal here. And Point 6 is just the GNSO Council holds the vote. I think we have taken almost everything that is considered except that I see we have some comments on Number 5 by Wolf-Ulrich. And some from let me see - oh no, it's Number 6 where Mary Wong has some comments. But, yes, Wolf-Ulrich, I see you have your hand up. You have the mic.

Wolf-Ulrich Knoben: Yes, Wolf-Ulrich speaking, if I may. Well it's to Number 5 because well as it is written at the time being describing the current step it maybe, I think, it could happen so that if a GNSO Council member seconds the motion then the GNSO Council chair calls for a vote. That is - it doesn't express, well, the timing here so but it seems to be or it could be looked at - looked like the seconder just says yes, I'm seconding, and then the Council chair could ask directly after that for a vote.

This - well just reflecting the discussion we had, I wouldn't say this should happen that way because the question of the - from the Council chair regarding the seconder that there should be a seconder should be before - longer term before the voting. There should be discussion in between. So that's my comment to that. Thank you.

Rudi Vansnick: Thank you, Wolf-Ulrich. Indeed, that's why I understood also from the process itself the motion is discussed after we know that there is a seconder of the motion. That's what I think we have been talking through here now. And I have the feeling that we are agreeing on this way of processing the motion except if others are not agreeing I would like to know, if that's the direction we want to go - have first the Council chair asking for a seconder of the motion.

And if that's done then we step into the process of having the motion discussed. And after the motion has been discussed the chair will call for a vote. Can we agree on that?

Wolf-Ulrich Knoben: Yeah. Okay.

Rudi Vansnick: Okay so I see Lawrence is also agreeing, yeah. In that case it clarifies at least the whole process where we discuss now and I think it will give guidance to the future councilors to understand what's first and what's next at least to me, it's becoming a bit more clear. And then we are entering into the discussion of the amendments. And I think that's where - I think that's

becoming more complex to get solved except that as far as I understood an amendment can come onto a motion that has been entered. So I would like we still have nine minutes to go. Maybe we can have a look at the amendments quite rapidly.

There no comment given to that part of the text. And I presume that we will probably have some discussions at the next call on this one. But I would like to go through the steps as ICANN staff has been putting forward. Step Number 1 is the GNSO Council member submits a proposed amendment to the submitted motion prior to the vote being called. Then if the proposed amendment is deemed friendly by the motion proposer and seconder, where there is not yet a seconder only the proposer needs to accept the proposal as friendly, it is incorporated into the motion to be voted on.

There needs - okay, let's first go through the other steps. If the amendment is not accepted as friendly by either the proposer or seconder, the Council first votes on whether to accept the proposed amendment. The threshold is a simple majority. And if the Council vote is affirmative the GNSO Council votes on the motion in accordance with the GNSO Operating Procedures.

And the last step is if the Council falls - vote falls below the simple majority threshold the proposed amendment is not incorporated into the original motion and the Council proceeds to the vote on the original motion. I think that's what I have seen quite often happening.

Going back to the - I think it's Number 2, what I'm missing here also a little bit is what about the definition of discussion and the timing of discussion on an amendment. Do we need to take care of that process like we are doing in the steps of the motion? Or is this something we can just neglect in the discussion here? But I'm afraid that discussion is probably happening also on amendments.

And again I'm willing to refer back to Wolf-Ulrich to see if that's a regular process having discussions on amendments that could take, again, a lot of time and eventually end up in having the amendment disregarded. So, Wolf-Ulrich, can you eventually give us a little bit insight on this?

Wolf-Ulrich Knoben: So where I am, Wolf-Ulrich speaking...

Rudi Vansnick: Sorry that I put you on the spot. But the point is when we have the amendment that has been brought up to a motion and there is not yet a seconder, I presume that there is also a discussion going on on the amendment. Again, should we have a seconder before the discussion takes place on the amendment or not.

Wolf-Ulrich Knoben: Yeah, okay thanks, Rudi. Wolf-Ulrich speaking. So normally we have the, well, the existing seconder who is asked for whether he is going to accept the amendment as a friendly amendment as well so both of them have to agree. I think it's also in a flow chart if I recall that. And so if that, well, how the Council is doing, well, at the time being is - there is not any, you know, a seconder, you know, asked for so he is doing his job whether it's about the amendment or is about the original or the already-amended original or just about the amendment.

You see the different steps, you know, depending on whether it's accepted as friendly or not then the Council is going to vote for that. But it's still - it is going for a vote, is not depending on the seconding on that. This is just procedure. So your question - if you ask me, well, if there is a new seconder is asked for I would say no, no.

Rudi Vansnick: Okay thank you, Wolf-Ulrich. Well and the question was is there any discussion before, well, the seconder seems to be the same so that question is just falling off the table and is not needed anymore. I see Mary, you have your hand up. You have the mic.

Mary Wong: Yes thanks, Rudi. I just wanted to follow up on Wolf-Ulrich's explanation in terms of the context in that for example, in Step 1 the amendment process, the proposed amendment can be submitted at any time. So what we've seen happen is that sometimes after some discussion, say, by a constituency or a stakeholder group, that group feels that the motion, as proposed, either is inaccurate is incomplete. And their councilor might send in a proposed amendment to the mailing list even before the Council meeting.

At other times, this may actually take place during the Council meeting. So one advantage I guess I would say from the staff perspective of having it so open is that there is the flexibility of the motion being amended and in some ways being improved by allowing for that to take place at any point in time, you know, subject to the time conditions we have here.

And I'm saying this because I think I heard another part of your question was whether or not, not just that we need to build in time for discussion, because I think the answer to that is the current practice, as documented here, already allows for that time. But I think one of the things you had also mentioned was whether that should be in some way put into a rule.

So I think all I'm saying from the staff perspective the current openness does allow for flexibility. And the last observation I'll make on this is that even at those points in time where the amendment has come in quite late, we have been able to go forward with a friendly or unfriendly process that's been documented here and that Wolf-Ulrich has explained.

There are other problems, if I may use that word, with some things that have happened in the past where the Council has ended up drafting as a body on the fly, as we say, basically during a Council a meeting. There may be things that can be done to improve it. I don't know at this point whether having a different process relating to how you deal with amendments would actually deal with this problem. Thank you.

Rudi Vansnick: Thank you, Mary. Rudi for the transcript. Well to pick up on the last comment here, and I remember the discussions that took place in Singapore during a bigger discussion on if I'm not wrong, we had two amendments on a motion. One was a friendly and the other one was not a friendly amendment. And if I'm not wrong, the amendment was even modified during the Council meeting discussions so that's probably something that we also need to keep track of and give some guidance. Is that allowed? Is that not allowed?

Changing an amendment before it has been sent to the Council means that it is difficult to have review on the content of the amendment. And will not allow the community to reflect correctly to the councilors the way of how they have to vote on because the councilors are there because of the presentation they have to do for their groups and their communities.

So I think there is some work that needs to be done on this too to see if we allow to have amendments that are drafted or modified during a Council meeting, shouldn't that motion be deferred to a next Council meeting so that there can be a check with the community to see if that amendment is appropriate or not.

Personally I would consider that if an amendment is made or modified on the fly during a call, during a meeting, a Council meeting, sorry, I would prefer that that the motion would be deferred to another meeting, but that's my personal opinion.

I don't know what Wolf-Ulrich thinks about that approach or that - there is clear guidance on how to tackle if we have the case that happened in Singapore having two amendments and get in fact the Council got stuck in finding what was the final amendment going to be and approved on and would that have an impact on the motion itself in such a way that the community doesn't know any more what's on the table. Maybe this is not quite clear what I'm saying but I'm referring a little bit to the experience of experienced councilors here.

Noting that we are already past two minutes the hour. And I don't know if we are allowed to extend the time anymore. Mary, are we allowed to have a few other minutes and see how we can eventually go into discussion of this one? Or we take it up in our next call.

Mary Wong: Rudi, this is Mary. It really is up to the group although typically I think we do try to stick to the hour allocated. So unless there's any pressing issue that you feel or that the group feels needs to be finalized today then our recommendation - and I see Wolf-Ulrich is making the same one is to postpone it to the next call.

Rudi Vansnick: Thank you, Mary. So in that case I would say let's work on the mail and have further discussions on what we have been bringing up today. And plan another call. I don't know, next week is probably too difficult because we have several people being at the intercessional. So we probably need to schedule the call after next week, is that okay for everybody? Yeah, yeah, I remember that indeed, Wolf-Ulrich is not available before the middle of February. So let's schedule that one after mid-February and do a Doodle call that will probably help us getting everybody on the call.

With that I would like to thank you all for your participation and thank you, staff - ICANN staff for the support and helping us to material that we are not - at least I'm not doing this in my daily job so it's interesting but it takes a lot of attention. And for those who are traveling to LA we will meet next week in LA.

Mary Wong: Thanks, Rudi. Thanks, everybody. Good luck and have a good meeting in LA. I won't be able to join you but I know that the program is already very full so I hope that it will be a good one.

Rudi Vansnick: Thank you, Mary. Thank you, all. See you.

Woman: Thanks, everybody.

Rudi Vansnick: Michelle, you can end the recording.

Michelle DeSmyter: Great. Thank you, Rudi. Today's meeting has been adjourned. Operator,
you can now stop.

END